

09/488,298

REMARKS

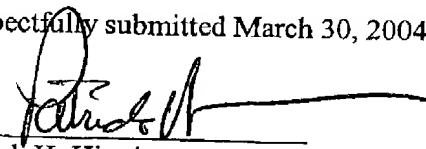
Claims 1, 4, and 7-24 are pending. The Applicants respectfully highlight to the Examiner that **(I) compositions of the present invention cannot be anticipated as a matter of law in view of the disclosure of Lambert, et al, '373, because all compositions contemplated by Lambert require free α -tocopherol, per se, which is expressly excluded from the scope of the claims now pending.**¹ The Applicants respectfully request the Examiner to withdraw the rejection.

In contrast to the teachings of Lambert, et al., '373 free α -tocopherol, per se, is detrimental to properties and efficacy of podophyllotoxin compositions. The Examiner is respectfully referred to the rule 132 Declaration presented June 2, 2003 in this application as well as the second rule 132 Declaration executed by Dr. Valery Alakhov presented herewith.

The Applicants further respectfully highlight to the Examiner that **(II) compositions of the present invention cannot be obvious as a matter of law in view of the disclosure of Lambert, et al, '373 because an element expressly required by Lambert, namely α -tocopherol, per se, is removed to necessarily result in improved pharmacological properties,** in fact, due to increased aqueous solubility of drug compounds. The Applicants respectfully request the Examiner to withdraw the rejection.

For all the foregoing reasons, the Applicants submit that Claims 1, 4, and 7-24 are in condition for allowance.

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¹ Pharmaceutical compositions within the scope of the pending claims now *positively* require tocoferol wherein the tocoferol consists of (is limited to) tocoferol covalently linked to a water-soluble polymer.